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10/822,049	04/10/2004	Ronald John Rosenberger		2242

7590 06/12/2007

Ronald Rosenberger  
506 Sterling St.  
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/12/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

**Application No.**

10/822,049

**Applicant(s)**

ROSENBERGER, RONALD JOHN

**Examiner**

Steven D. Maki

**Art Unit**

1733

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 08 February 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See: (1) Attachment to Notification of Non-Compliant Appeal Brief, (2) attached translation of KR 2004029611 and (3) machine translation for DE 2949356.

**Attachment to Notification of Non-Compliant Appeal Brief**

The Appeal Brief filed 2-8-07 does not include a statement of the status of all of the claims. The status of claims 3, 11, 14, 15 and 18-20 is not identified.

The Appeal Brief filed 2-8-07 does not include a statement of any amendment filed subsequent to final rejection. In particular, the Brief does not include a statement regarding the after final amendment filed 2-8-07.

The Appeal Brief filed 2-8-07 does not include a concise statement of each ground of rejection presented for review. On page 4 of the Brief, the statement of grounds 1, 4, 5 and 7 are incorrect. In other words, a concise statement of the grounds of rejection set forth in paragraphs 2, 7, 8 and 10 of the final rejection dated 9-8-07 has not been presented for review. It is also noted that item 2 on page 4 of the Brief is an objection instead of a rejection and is therefore not an appealable issue.

The Brief filed 2-8-07 (pages 5-11) does not include a separate heading for each rejection. For example, page 5 of the Brief recites "Argument 3 under (37 CFR 41.37(c)(1)(vii))" instead of the required heading of --Claims 1, 4-10, 12-13 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Great Britain 584 (GB 2,243,584)--.

MPEP 1205.02 states: "37 CFR 41.37(c)(2) prohibits the inclusion in a brief of any new or non-admitted amendment, affidavit or other evidence." The Brief includes language (e.g "incorporated") from the non-admitted amendment filed 12-8-06. See for example pages 5 and 6 of the Brief filed 2-8-07. The only specific argument presented for "Argument 3" (the 102 rejection over Great Britain 584) relies upon the language in

the non-admitted after final amendment filed 12-8-06 whose inclusion in the Brief is prohibited by 37 CFR 41.37(c)(2).

It is noted that MPEP 1205.02 also states: "An appellant's brief must be responsive to every ground of rejection stated by the examiner that the appellant is presenting for review in the appeal. If a ground of rejection stated by the examiner is not addressed in the appellant's brief that ground of rejection will be summarily sustained". The Appeal Brief filed 2-8-07 (pages 5-6) is not responsive to the 102 rejection over Great Britain 584 since the only specific argument presented for "Argument 3" (the 102 rejection over Great Britain 584) relies upon the language in the non-admitted after final amendment filed 12-8-06.

The Appeal Brief filed 2-8-07 does not include a correct copy of the claims involved in the appeal. For example, the copy of claim 2 on page 12 of the Brief omits "at least one pheromone".

The Appeal Brief filed 2-8-07 does not include an Evidence Appendix.

The Appeal Brief filed 2-8-07 does not include a Related proceedings appendix.

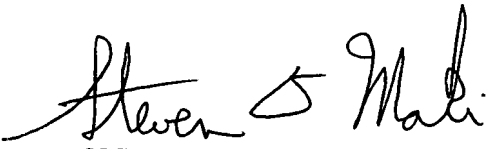
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki  
June 10, 2007

  
STEVEN D. MAKI  
PRIMARY EXAMINER 6-10-07

translation for KR2004029611

attachment to  
paper No.  
200706

PTO 07-3017

Korean Patent

20040029611

PNEUMATIC TIRE DISPLAYING WEAR LIMIT TIME

[MamoHangei Sijumrul Pyosihanun Konggiip Taier]

Min-Soo Jang

UNITED STATES PATENT AND TRADEMARK OFFICE

Washington, D.C.

March 2007

Translated by: Schreiber Translations, Inc.

Country : Korea

Document No. : 10-2004-0029611

Document Type : Laid-Open

Language : Korean

Inventor : Min-Soo Jang

Applicant : Korea Tire Co., Ltd.

IPC : B 60 C 11/24

Application Date : October 1, 2002

Publication Date : April 8, 2004

Foreign Language Title : Mamohangei Sijumrul Pyosihanun  
Konggiip Taier

English Title : PNEUMATIC TIRE DISPLAYING WEAR  
LIMIT TIME

Specification

1. Title of the invention

Pneumatic Tire Displaying Wear Limit Time

2. Brief description of the figures

Figure 1 is a cut oblique view showing an installation state of a conventional wear displayer.

Figure 2 is a cut cross section showing the tire of the present invention.

<Explanation of numerals of the main parts of the figures>

10 Tread

20 Side wall

30 Bead part

50 Aromatic object

101 Cap tread

102 Under tread

/2

3. Detailed explanation of the invention

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<sup>1</sup> Numbers in the margin indicate pagination in the foreign text.



(Purpose of the invention)

(Technical field of the invention and prior art of the field)

The present invention pertains to a pneumatic tire displaying a wear limit time of the tire. More specifically, the present invention pertains to a pneumatic tire displaying a wear limit time that can make a driver be able to recognize the replacement time of a tire through the sense of smell by generating a smell if treads reach a wear limit and the tire should be replaced, so that a safety accident due to an excessive wear of the tire can be prevented in advance.

In general, at the initial stage of wear of a tire, each performance of the tire is very excellent, however at the latter stage of the wear of the tire, each performance is reduced, so that the tire must be replaced.

In a conventional limit displayer that can make a driver be able to identify the degree of wear of a tire, as shown in the attached Figure 1, a wear limit displayer (4) being protruded at a height of about 1.6-2.2 mm is formed on the bottom of a groove of a tread (10), and a triangular position displayer (5) for displaying the installation position of the wear limit displayer (4) at a side wall part (20) in which the above-mentioned wear limit displayer (4) is formed.

However, since such conventional displayer (4) is very small in its size and is formed with the same hue as the hue of the tire, since there are many drivers who do not know even its presence, not to mention the drivers cannot easily identify it, its effectiveness cannot be realized, and at the side wall part (20) of the tire in which the triangular position displayer (5) for displaying the position of the displayer (4), since a maker logo and many characters and symbols for displaying each performance of the tire are displayed in addition to the position displayer (5), the position displayer is not easy to be identified.

In order to solve these problems, this applicant has already applied a tire with a constitution in which the degree of wear of surface of treads can be easily identified by installing a wear displayer with a hue having a contrast with the hue of the treads in the tread (Korean Patent Application No. 1998-50005).

However, the previous invention applied can be understood that the tire has reached a wear limit, only by frequently confirming the treads with the naked eyes by a driver.

(Technical problems to be solved by the invention)

The prevention has been proposed to solve the above-mentioned problems, and the purpose of the present invention is

to provide a pneumatic tire displaying a wear limit time that can make a driver be able to recognize the replacement time of a tire through the sense of smell by generating a smell even without seeing the tire, if treads reach a wear limit and the tire should be replaced, so that a safety accident due to an excessive wear of the tire can be prevented in advance.

In order to achieve the above-mentioned purpose, the present invention is constituted as follows. In other words, the present invention is characterized by the fact that in a pneumatic tire equipped with tread, side wall, and bead part, the above-mentioned tread consists of a cap tread and an under tread; and an aromatic object for giving off a smell is included in a rubber composition for forming the above-mentioned under tread.

(Constitution and operation of the invention)

Next, referring to the attached figure, a preferred application example of the present invention is explained in detail.

Figure 2 is a cross section showing the tire of the present invention.

As shown in Figure 2, in the present invention equipped with tread (10), side wall (20), and bead part (30), the above-mentioned tread (10) consists of a cap tread (101) and an under

tread (102), and an aromatic object (50) for giving off a smell is included in a rubber composition for forming the above-mentioned under tread (102).

The under tread (102) in which the above-mentioned aromatic object (50) is included, the upper surface height is formed so that it is higher than the bottom face height of a groove (11) after the completion of vulcanization in a mold.

Then, as the above-mentioned aromatic object (50), an object for giving off a smell such as offensive odor or aroma can be used, and preferably, any aromatic object that can strongly stimulate the sense of smell of men without being irritated is very effective.

Also, the above-mentioned aromatic object can be mixed with a rubber composition for forming the under tread (102) or can also be installed by forming a layer between the cap tread (101) and the under tread (102).

In the present invention with this constitution, when the height of the groove (11) is lowered by a continuous friction of the tread (10) of the running tire and the original function of the groove is lost by the continuous height reduction of the groove (11), that is, when the tire is replaced, the under tread (102) is exposed to the surface, and the aromatic object (50)

included in the under tread (102) gives off a smell while contacting with the atmosphere.

In confirming the replacement time of the tire, a driver recognizes the replacement time of the tire through the smell being given off from the aromatic object, even without directly confirming the tread (10) with the naked eyes.

The present invention is not limited to the above-mentioned application example but can be variously modified within the range where the technical concept of the present invention is allowed.

(Effects of the invention)

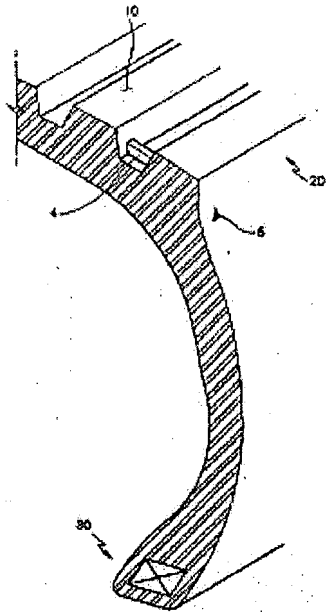
As mentioned above, according to the present invention, a driver can easily recognize the replace timing of the tire, that is, the time in which a serious risk can be caused in the safety of a vehicle if the wear of the tire is further advanced, so that a safety accident due to an excessive wear of the tire can be prevented in advance.

#### 4. Claim

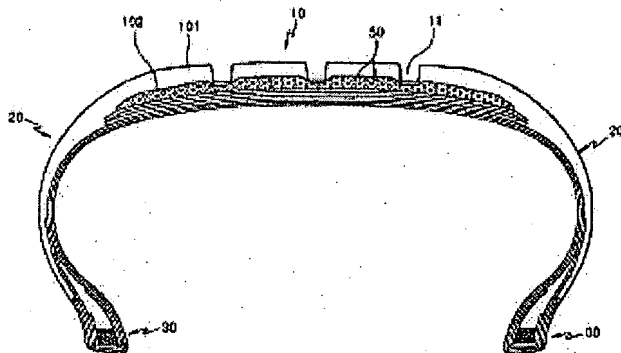
1. A pneumatic tire displaying a wear limit time, characterized by the fact that in a pneumatic type equipped with tread (10), side wall (20), and bead part (30), the above-mentioned tread (10) consists of a cap tread (101) and an under

tread (102); and an aromatic object (50) for giving off a smell is included in a rubber composition for forming the above-mentioned under tread (102).

도면1



도면2



machine translation for DE 2949356

attachment to  
paper No.  
200706**BRAKE OR CLUTCH LINER**

Description OF DE2949356

Translate this text

Braking or clutch liner

The invention concerns a braking or a clutch liner. This is to point the wear out of braking and clutch interests, taken place, with vehicles and stationary machines.

During large wear of braking and clutch liners it comes to leaving the original Wirkunn. An unnoticed wear of the linings can lead besides to irreparable damage to brake drum, brake disk, rotor or Kupplungsdruckplatte, if during the absence of the respective Belans its carriers or attachment rivets with the parts mentioned come into sharpening contact.

ZurFeststellung of the wear of scheibenbremsbelaeen, taken place, is well-known to embed into these electrical contacts which during contact with the brake disk a Kontrollicht at the instrument panel brings to lighting up.

The well-known electrical control display is to be manufactured constructionally complex and expensively. Re-tooling of already existing plants is hardly justifiable in economic regard. For clutches and drum brakes such control displays do not exist because of the technical difficulties.

The invention is the basis the task to make a Abnuetzung of braking and clutch liners without large expenditure, taken place, easily noticeable in particular without it would be necessary to accomplish a disassembly. The braking and Kupplungsbelaeqe should be usable for already existing plants beyond that.

This task wirderrfindungseemaess solved by a Bremsoder clutch liner, which is characterized by at least one in the lining eingebetteten indicator, which oderKupplunesdruckplatte with abgenuetztemBelaq by contact with the brake drum or disk, momentum mass smell -, smoke oderGeraeuschzeichen erzeuat.

After a bevorzuaten execution form the braking is characterized oderKupplunsbela by the fact that the indicator as strips or disk eingelassen trained and in recesses on the lower surface of the lining is.

After a further preferential execution form the Bremsoder clutch liner is gekennzeichnet by the fact that the indicator is let in as pill trained and in recesses on the lower surface of the lining.

After a further preferential execution form the BremsoderKupplunqsbela is characterized by the fact that, the pillenfoermiqe indicator let in in recesses on the lower surface of the lining is enclosed by a heatproof covering.

After a further preferential execution form the Bremsoder Kupplunnsbelag is characterized by the fact that the pillenfoermige indicator is gas-tight enclosed by a metal foil, in particular aluminum foil.

After a further preferential execution form the Bremsoder clutch liner is characterized by the fact that the indicator is arranged as continuous indicator layer between lining and carrier.

If with the braking or clutch liner according to invention the indicator is streifenfoermig or disk-shaped arranged, then several strips and/or disks can be let in in a lining in or. If the indicator exhibits a pill form, for example the form of a flat cylinder or a something increased disk possesses, then it is appropriate, if several pills are let in into the lining along one or several lines.

Abhaenqig of the kind of the indicator is used these either alone, i.e. without carriers or diluents, or in mixture with a carrier oderVerduennungsmittel. If the Indi is present kator in form of a strip or a disk, then the strip and/or the disk consists favourably of a material, which contains the indicator as such in mixture with einemneeqneten additive and/or carrier. If the indicator is let in into the lining in the form of pills, then the Verwendung of a Traeqermaterials or a filler is frequently not necessary.

BeiVerwendung of relatively volatile indicators can turn out it as very appropriate to in-encase the indicator

to surround i.e. with a covering. As well known braking and clutch liners will reach with the enterprise of the vehicle and/or the stationary machine by friction warmly and easily temperatures up to 2000C, sometimes even more highly. In order to avoid in this case that by evaporation and/or evaporation of the indicator an incorrect announcement of the wear degree will receive, it proves it frequently as particularly appropriate to surround the indicator with a heatproof casing. As soon as the wear of the lining progressed so far that the casing is cleared away by friction, one keeps desired Signal. Als appropriate the use of a casing in form of a metal foil, for example from aluminum, showed themselves. Likewise however also different materials are possible.

If according to invention a continuous indicator layer between the lining and the carrier is arranged, then the indicator layer should have still another calling worth braking action for safety reasons. In this case mixtures of the indicator with the material, made of which the brake and clutch liners are manufactured, prove as particularly appropriate.

One can inject the indicator material, which can be firm or liquid, with fillers, for example with asbestos. As Huellenmaterialeiqnen not only metal foils, also plastic foils are suitable.

The following materials can be used for the production of the indicators: PL (low pressure PE) polypropylene polystyrene polyvinyl chloride Polyacrylnitril Polyvinylacetat Polymethacrylsaeureester polytetrafluoroethylene polybutadiene natural rubber synthetic rubber of PolyacetaleAcrylnitril/Styrol copolymers Acrylnitril/Styrol/Butadien Tercopolymerisate of Styrol/Divinylbenzol copolymers vinyl chloride VinylidenchloridPolyal kyleneoxide PP polyesters of polycarbonate phenol/formaldehyde resins of urea/formaldehyde resins of Melamin/Formaldehyd resins of epoxy resins of alkyd resins of polyester resins (unaesaettigt) PU rain advice cellulose celluloseacetat nitrocellulose cellulose ether Kaseinharze Kampfer sulfur carbide as smell-intensive materials are possible in particular such, which exhibit a relatively high smelling threshold in air and not when unpleasantly in the smell are to be designated. As examples one can call ISO amyl alcohol, Vanilin, Jonon, Cumarin or Heliotropin. Also Citrusoele and fat aldehydes, Terpenalkohole, Hydroxycitronellal, Myrrhe are possible. Likewise the following materials are grundsatzlichgeeig net: Geraniol, Rhodinol, Phenylaethylalkohol, Phenylacetaldehyd, Phenylacetaldehyddimethylacetal, Phenylaethylphenylacetat, Trichlormethylphenylcarbinylnacetat, Geranylacetat, Citronel lyl acetate, benzyle acetate, Benzylpropionat, Amylzimtaldehyd, Linalol, Mirbanoel, and such a thing.

Materials, which lead ichen smell with stronger heating up too einembrenzl, are just as useful, whereby a special warning effect is obtained.

The advantages attainable with the invention consist in particular of it that without a complex device, without disassembly work, even without the execution of usual, simple controls an upper walking of the permissible wear of the braking or clutch liner are inevitably determined.

Thus even the routine upper examinations with the associated work are void.

besides damages of braking and clutch plants become by friction of the metallic lining carriers and/or attachment rivets on the brake drums, brake disks, rotors and/or.

Clutch plates avoided. Likewise a sudden failure is avoided during the enterprise.

In the designs several remark examples of the invention are represented.

Mean: Figure 1 a cut, perspective opinion of a drum brake lining over its entire back is provided with an indicator layer and on that Brake shoe is applied; Figure 2 a supervision on a scheibenbremsbelag, on its Back two indikatorstreifen are let in; Figure 3 a side view of the scheibenbremsbelags in accordance with Figure 2; Figure 4 a perspective opinion of a scheibenbremsbelags with indicator pills let in in it; Figure 5 a supervision on a scheibenbremsbelag also by going indicator layer; Figure 6 a side view of the scheibenbremsbelags after figure 5; Figure 7 a perspective opinion of a scheibenbremsbelags after the figures 5 and 6; Figure 8 a cut perspective opinion of a Trom melbremsbelags with two indikatorstreifen; ; Figure 9 a perspective opinion of a clutch liner with continuous indicator layer; and figure 10 a centric cross section by the clutch liner in accordance with figure 9.

In the designs same parts are provided with same reference symbols. With the reference symbol 1 the



lining is designated in each case, which is indicator with the reference symbol 2 designated and which is respective carriers provided with the reference symbol 3.

Of course also different arrangements of the indicator are in the different, represented execution forms of the braking or clutch liner according to invention easily possible and fall in the context of the invention.

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**BRAKE OR CLUTCH LINER**

Claims OF DE2949356

[Translate this text](#)

## Patent claims

1. Braking oderKuDplunasbela, characterized by at least an indicator embedded in the lining, the beiabgenuetztem Lining by contact with the brake drum or disk, Schwunomasse oderKupplunsdruckplatte smell -, smoke or noise character produces.
2. Braking oderKupplunesbelag according to requirement 1, thus gekenn draws that the indicator as strips or disk oil-ate out in an educated manner and in recesses on the lower surface of the lining is.
3. Braking oderKupplunnsbelag according to requirement 1, thus gekenn draws, the indicator as pill trained and in Ausnehmungen on the lower surface of the lining is let in.
4. Braking oderKupplunnsbelan according to requirement 3, thus gekenn draws that the inAusnehmungen on the lower surface of the Belagseineelassene, pillenfoermige indicator by a heatproof covering is enclosed.
5. Braking oderKupplunnsbelan according to requirement 4, thus gekenn draws that the pillenfoermige indicator of one metal foil, in particular aluminum foil, gas-tight over closed is.
6. Braking or clutch liner according to requirement 1, thus gekenn draws that the indicator is arranged as continuous indicator layer between lining and carrier.

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